

Translation

PATENT COOPERATION TREATY

PCT/JP2003/013309



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

15 APR 2005

Applicant's or agent's file reference 03-F-084PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/013309	International filing date (day/month/year) 17 October 2003 (17.10.2003)	Priority date (day/month/year) 17 October 2002 (17.10.2002)
International Patent Classification (IPC) or national classification and IPC C22C 38/00, 38/06, B21J 1/04		
Applicant NATIONAL INSTITUTE FOR MATERIALS SCIENCE		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

Date of submission of the demand 17 May 2004 (17.05.2004)	Date of completion of this report 01 November 2004 (01.11.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/013309

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☐ the description:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP03/13309

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

1-17

YES

Claims

NO

Inventive step (IS)

Claims

YES

Claims

1-17

NO

Industrial applicability (IA)

Claims

1-17

YES

Claims

NO

2. Citations and explanations (Rule 70.7)

Document 1: JP, 10-53813, A (O & K Co., Ltd.), February 24, 1998 (02.24.98)

Document 2: JP, 2001-234239, A (Independent Administrative Institution National Institute for Materials Science), August 28, 2001 (08.28.01)

Claims 1-17

The inventions relating to claims 1-17 do not appear to involve an inventive step based on documents 1 and 2 cited in the ISR.

Document 1 describes a bolt made of unrefined steel having a fine structure, and also describes that the structure is made fine, thereby improving strength and toughness of the steel.

Document 2 describes steel having a component composition partly identical to that of the steel described in claim 5 of the present application, and a super fine structure and Vickers hardness identical to that of the steel described in the invention of the present application.

Employing the steel described in document 2 to improve strength and toughness of the bolt described in document 1 is found to be easy for a party skilled in the art.

It is assumed that a bolt having at least the JIS strength classification of 8.8 can be obtained as a matter of course by using the steel described in document 2 having a component composition identical to that of the steel described in the invention of the present application for a bolt.

Also, the applicant asserts in the written reply that with respect to the material properties of steel, strength and ductibility oppose each other, and thus processing the steel described in document 2 with high strength as a bolt could not be easily conceived of by a party skilled in the art. However, it is a well-known technical matter that steel with a fine structure has excellent plastic processability in addition to high strength (for example, see JP, 2002-167619, A); therefore, the above argument by the applicant cannot be accepted.